

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services - Irrigation & CAD Department – Sri M. Gopala Rao, Assistant Engineer - Irregularities in non-remittance of revenue collection into Treasury in Right Bank Building Section of Nagarjunasagar Dam Maintenance Division - Disciplinary action initiated – TDP report submitted - Sri M. Gopala Rao, Assistant Engineer Expired on 19.09.2009 - Further action abated – Release of pensionary benefits – Orders-Issued.

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IRRIGATION & CAD(SER.X.2) DEPARTMENT

G.O.Rt.No. 205

Dt:19.02.2010

Read the following:

1. G.O.Rt.No.319, I&CAD (CAD.Ser.II) Dept., Dt. 29-7-1991
2. Orders of APAT, dated 20-03-2001 in RP.24021/89 and O.A.41393/91 with MA.736/2001.
3. G.O.Rt.No.1209, I&CAD (CAD.Ser.II) Deptt., dt:3.11.2001.
4. Govt.Memo.No. 57081/CAD Ser-II-2/91-11,dt. 3-11-2001.
5. G.O.Rt.No.1532, I&CAD (Ser.X) Department, Dated:16.11.2006
- 6.From the Engineer-in-Chief (AW) Hyd Lr.No.Rc/ENC(AW)/S1(3)/ 30865/01-2, dt:04.06.2007.
- 7.Govt.Memo.No. 57081/ Ser.X-2/91-46, dt. 10-08-2007.
- 8.From the Secretary, Tribunal for Disciplinary Proceedings, Hyd Dis.NoS/6/2008, dt:19-02-2008
- 9.From Sri M.Hari Krishna , S/o Late Sri M. Gopal Rao AE, ,NSD , Nalgonda district representation on 03.02.2010.

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ORDER:-

In the G.O. first read above, orders have been issued, imposing a punishment of removal from service on Sri M. Gopala Rao, Assistant Engineer for the irregularities committed by him in non-remittance of revenue collection into the treasury in Right Bank Building Section of Nagarjunasagar Dam Maintenance Division.

2. Aggrieved by the above orders, Sri M. Gopala Rao, Assistant Engineer has filed O.A.No.41393/91 before the APAT. The Hon'ble APAT in its r orders 2nd read above, allowed the O.A. by setting aside the removal orders issued in the G.O. 1st read above, and remitted back to the respondents to take appropriate action in accordance with the provision of A.P. Civil Services (Disciplinary Proceedings Tribunal) Act, 1960. Government, after examining the entire matter have decided to place Sri M. Gopal Rao, Assistant Engineer on his defense before the Tribunal for Disciplinary Proceedings for conducting inquiry as per the A.P.C.S. (DPT) Act, 1960, and to continue the individual remain under suspension until further orders, by invoking the Rule 8(4) of APCS(CC & A) Rules, 1991. Accordingly orders were issued in the reference 3rd & 4th read above, placing Sri M. Gopala Rao, AE on his defense before the TDP for conducting inquiry and he was deemed to have been placed under suspension from the date of removal from service until further orders and for payment of subsistence allowance as per rules in force.

The matter stood thus, Sri M.Gopala Rao, Assistant Engineer (U/s) has approached A.P.A.T. by filing Review M.A.No.2798 of 2003 in O.A.No.1378/2002, and the Hon'ble A.P.A.T, while allowing the above Review M.A.No.2798 of 2003 in its order dated 29-9-2003, has directed the respondents as follows:

"The respondents are directed to pay subsistence allowance by taking into account the annual grade increments and the revised pay scales of 1993, 1996 and 1999 and pay the arrears within a period of three months from the date of receipt of a copy of this order".

Aggrieved by the above orders, WP has been filed in APHC in WP No.6617 of 2004. The APHC in its judgment dt. 4.11.2004 has dismissed the WP filed by the Government. After examining judgment of APHC Govt. have filed SLP (C) No.5165/2005 in Supreme Court of India .

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In the reference 5th read above, Govt. have examined the representation of the Charged Officer and issued orders revoking the suspension orders of Sri M. Gopala Rao, Assistant Engineer, under clause (c) of sub rule (5) of Rule 8 of APCS(CC & A) Rules, 1991, without prejudice to the disciplinary proceedings against him, with effect from the date of joining.

In the meanwhile, Sri M. Gopala Rao, Assistant Engineer has filed C.C.No.723/ 2005 before the Hon'ble High Court for implementation of High Court orders dt.4.11.2004 in O.A.No. 6614/2004.

After careful examining the matter, Govt. in the reference 7th read above, have directed to the Engineer-In-Chief (Admn.Wing) to pay subsistence allowance to Sri M. Gopala Rao, Assistant Engineer, by taking into account the annual grade increments duly Revising the Pay in the revised pay Scales of 1993, 1996 and 1999 and pay arrears by giving effect to the orders of Hon'ble APAT dt. 01-8-2003 in Review M.A.No. 2798/2003 in O.A. No. 1378/2002 and also orders of High Court of Andhra Pradesh dt.04-11-2004 in W.P.No. 6617/2004.

In the reference 8th read above the Tribunal for Disciplinary Proceedings have submitted the inquiry report and the same was received in the Department on April 2008. The T.D.P. in its findings has stated that all the three charges against the Accused Officer are not held proved and the C.O. may be exonerated from the charges. Further, the Supreme Court of India have dismissed the SLP on 21-9-2007.

In the reference 9th read above. Sri M. Hari Krishna, S/o Late M. Gopal Rao, Assistant Engineer has stated that his father was expired on 19.09.2009 due to health problem. While furnishing a death certificate, he has stated that his mother is also suffering with health problem and she is not enable to move. He has therefore requested the Govt. to waive the charges pending against his deceased father and release the pensionary benefits to his mother.

Govt., after careful examination of the matter have observed that the allegation against the accused officer was temporary misappropriation and the amount of Rs. 1,10,297.50, was remitted back into Govt. Treasury during February 1989 itself, before the disciplinary action began. Thus, no recovery is involved. Since the accused officer is now no more, therefore, it has been decided to abate the disciplinary action against him and release the death cum retirement benefits of the deceased accused officer to his legal heirs. Accordingly, hereby order to abate the disciplinary action against him and to release the death cum retirement benefits of the deceased accused officer to his legal heirs.

The Engineer-In-Chief (Admn.Wing) is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-In-Chief (Admn.Wing),
I&CAD Department
Copy to :
The Legal Heir of Late M. Gopala Rao, Assistant Engineer
through the Engineer-In-Chief (Admn.Wing),
The Account General, A.P., Hyderabad.
SF/SC

//FORWARDED: : BY ORDER//

SECTION OFFICER